

**REMARKS**

Claims 23-37 are in the case as presented for reconsideration. Claims 23 and 34 have been amended. No new matter has been added.

Claims 23-24 and 26-37 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,266,551 (Osadchy et al.).

Claim 23 has been amended in order to more particularly point out Applicant's claimed present invention is directed toward an apparatus comprising a device adapted to be placed into a patient wherein the device comprises a position sensor and a memory which stores calibration data indicative of a deviation, at each of a plurality of frequencies, of an actual sensitivity of the position sensor from a characteristic sensitivity of the position sensor, wherein the characteristic sensitivity of the position sensor is based on a pre-determined characteristic curve, and wherein the deviation stored in the memory is used to account for minor errors not detectable by the characteristic curve. The support for this Amendment can be found in Applicant's Specification, for example, Page 16, Line 13 – Page 17, Line 23.

Claim 34 has been amended in order to more particularly point out Applicant's claimed present invention is directed toward an apparatus for position determination comprising a plurality of radiator coils adapted to generate fields at one or more frequencies; a device adapted to be placed into a patient wherein the device comprises a position sensor and a memory adapted to store calibration data indicative of a deviation at each of a plurality of frequencies of an actual sensitivity of the position sensor from a characteristic sensitivity of the position sensor, wherein the characteristic sensitivity of the position sensor is based on a pre-determined characteristic curve, and wherein the deviation stored in the memory is used to account for minor errors not detectable by the characteristic curve. The support for this Amendment can be found in Applicant's Specification, for example, Page 16, Line 13 – Page 17, Line 23.

Osadchy et al. is directed toward a catheter calibration and usage monitoring system for pre-calibrating a probe at the time of manufacture, so as to measure and compensate for variations in the positions, orientations and games of the coils of a probe. The relevance of Osadchy et al. with respect to Applicant's present invention is addressed in Applicant's own Specification, for example, Page 1, Line 23 – Page 2, Line 8 and Page 13, Line 17 – Page 14, Line 2. It is important to note that the Osadchy et al. system and method is specifically used to establish the characteristic sensitivity curve described throughout Applicant's Specification.

Claim 25 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Osadchy in view of U.S. Patent No. 6,233,476 (Strommer et al.).

Strommer et al. is directed toward a medical positioning system. Although there is a housing in the shape of a capsule that is described in Strommer et al., it is important to note that the capsule-shaped housing is distinctly used for a magnetic detection probe and a biometric unit. This is far removed from the capsule distinctly claimed by Applicant's claimed present invention of Claim 25 wherein the capsule is adapted to be incorporated into an elongated probe which is directly opposite from the teachings provided in Strommer et al.

Accordingly, by this Amendment and for the reasons outlined above, Applicant's claimed present invention as amended is neither anticipated by nor rendered obvious by these cited prior art references and favorable action is respectfully requested.

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